

REMARKS

This responds to the Office Action mailed on October 5, 2005. Claims 1, 11, 15, 22, 26, 30, 34, 38, 42, 48, 54, 57, 60, 63, 66 and 69 are amended, no claims are canceled, and no claims are added. Thus, claims 1-71 remain pending in this application.

Claim Objections

Claims 30, 34, 38, 54, 57, 30, 36, and 66 were objected to as not having been amended to include the limitation which Applicant's argument indicated had been included. These claims have been amended. Applicant respectfully requests withdrawal of the objection.

§102 Rejection of the Claims

Claims 1, 2, 11, 15, 48 and 69-70 were rejected under 35 U.S.C. § 102(b) for anticipation by Endo (U.S. 5,619,051). Applicant respectfully traverses. Endo indicates that the barium strontium titanate opposes electron flow from the floating gate 16 to the control gate 20 (col. 7 lines 56-64). Independent claims 1, 11, 15, 48, and 69 each recite, among other things, that the intergate insulator barrier height is lower at the floating gate and is higher at the control gate to increase electron tunneling from the floating gate to the control gate. Applicant respectfully submits that this is neither shown nor fairly suggested by Endo. The dependent claims are believed to be in condition for allowance with their base claim. Thus, Applicant respectfully requests withdrawal of the rejection, and reconsideration and allowance of claims 1, 2, 11, 15, 48 and 69-70.

§103 Rejection of the Claims

1st §103 Rejection

Claims 3, 5-10, 12, 14, 16, 18-41, 49-68, and 71 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Endo. Applicant respectfully traverses. Independent claims 22, 26, and 30 each recite, among other things, that the intergate insulator barrier height is lower at the floating gate and is higher at the control gate to increase electron tunneling from the floating gate to the control gate. Claims 3 and 5-10 depend on claim 1, claims 12 and 14 depend on claim 11,

claims 16 and 18-21 depend on claim 15, claims 23-25 depend on claim 22, claims 27-29 depend on claim 26, claims 31-33 depend on claim 30, claims 35-37 depend on claim 34, claims 39-41 depend on claim 38, claims 49-53 depend on claim 48, claims 55-56 depend on claim 54, claims 58-59 depend on claim 57, claims 61-62 depend on claim 60, claims 64-65 depend on claim 63, claims 67-68 depend on claim 66, and claim 71 depends on claim 69. These dependent claims are believed to be in condition for allowance at least for the reasons provided with respect to their base claims. Thus, Applicant respectfully requests withdrawal of the rejection, and reconsideration and allowance of claims 3, 5-10, 12, 14, 16, 18-41, 49-68, and 71.

2nd §103 Rejection

Claims 42-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Endo view of Orlowski et al. (U.S. 6,433,382). Applicant respectfully traverses. Independent claim 42 recites, among other things, that the intergate insulator barrier height is lower at the floating gate and is higher at the control gate to increase electron tunneling from the floating gate to the control gate. Claims 43-47 depend on claim 42, and are believed to be in condition for allowance at least for the reasons provided with respect to claim 42. Thus, Applicant respectfully requests withdrawal of the rejection, and reconsideration and allowance of claims 42-47.

Allowable Subject Matter

Claims 4 and 17 were allowed.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 373-6960 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

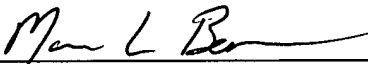
Respectfully submitted,

JEROME M. ELDRIDGE ET AL.

By their Representatives,


SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6960

Date 1-5-06

By 
Marvin L. Beekman
Reg. No. 38,377

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 5 day of January, 2006.

LISA PASORSKE
Name


Signature